



J.A. HINES

STATE REPRESENTATIVE • 42ND ASSEMBLY DISTRICT

**Testimony Before the Assembly Committee on Agriculture
In Support of Assembly Bill 446
August 23, 2007**

Good morning everyone. First, I would to thank Chairman Ott and fellow committee members for allowing me the opportunity to testify in favor of Assembly Bill 446, which relates to reimbursement for damages done by dogs.

I am hear today testifying on a bill that was drafted at the request of Betty Schultz, a constituent from Baraboo. But before I go into the specifics of her situation, I would like to give you a brief explanation of how counties spend the money they collect from the dog license fund (dog tag fees). Under current law, a county must first use the money collected for quarantine and laboratory costs when a person is bitten by a dog and the owner of a dog is unknown. The remaining money can be used to pay for dog damage claims and expenses incurred by a county pound or a humane society designed to provide a pound to collect, care for, and dispose of dogs.

The original intent of the dog tax statutes was to provide relief for damages done to private property by dogs, however, in Betty's situation, her county failed her. On September 10th, Betty went to check in on her lambs and found 65 of them dead with 2 strange dogs in the pen with the dead animals. After an investigation by the Sheriffs Determent, it was determined that the strange dogs had destroyed Betty's property. Per state statute, Betty contacted the Sauk County Board for reimbursement for damages incurred by the dogs. The Board responded by stating they had no money available since they had already distributed all the funds collected from the dog license fund directly to the county pound, and that since no money existed, no action would be taken on her claim.

The actions taken by Sauk County run contrary to the intent of dog license fees. Other counties have chosen to follow the intent and in FY 2006, over \$17,000 was distributed statewide in dog damage claims. The intent of the dog license fees was to help reimburse owners for damages to private property by dogs, and then if any funds were remaining, to help local pounds or county humane societies.

This bill will address the dog statues in two ways to resolve the dog damage fund process to bring it back in line with its original intent. First, it will require that counties place 25% of the money collected from the dog licenses into a segregated fund for one year. This money can only be used to pay for dog damage claims, and if at the end of the year, any money remains in the fund, that money could be spent for county pounds or county humane societies.



Secondly, this bill would simplify the process in which ones files a claim. First, the individual would be required to notify their county sheriffs department of the incident. Secondly, the claim time to file with their county clerk would be extended from 3 days to 5 business days. Finally, the individual would now file their claim directly with the county, as opposed to their local town representative since the county controls the dog license fees and to whom and under what circumstance any damages are to be awarded.

The intent of this legislation is not to deprive county pounds and humane societies from money, it to make it possible for individuals to get reimbursed from funds specifically collected for that purpose. This bill will adjust the dog license statutes to protect the intent of the original legislation and protect those to whom the statues are designed for. I appreciate this opportunity to testify and I urge the committee to pass Assembly Bill 446.

Betty Schultz
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Baraboo, WI 53913

Rep. J.A. Hines
Wisconsin State Assembly
Room 10 West
State Capitol
P.O. Box 8952
Madison, WI 53708

August 16, 2007

To Whom It May Concern and to Rep. Hines,

My name is Betty Schultz. I farm with my son John in the Township of Fairfield in Sauk County. We raise sheep and beef cattle. We recently underwent a great tragedy and to our grave disappointment, the help and protection we had expected from our local governments was not there.

As background, ewes in our flock start giving birth in early March. In late July, we take the lambs away from the ewes and move them from our home farm to a large barn we own up the road. There they are confined and fed. Some females will be saved as replacement ewes in our flock, but most of the lambs are sent to market at around Easter time.

On the morning of September 10, 2006, my son John went to do his chores at the lamb's barn and found a bloody scene. There were 65 dead sheep in the pen. Two dogs were in with the lambs. We were in shock and disbelief. Two more lambs had to be shot the next day, from injuries in the massacre, bringing the total dead to 67 lambs. An additional dozen lambs who were injured and never fully regained their health.

We called the Sauk County Sheriff's Department, deputies came, investigated and wrote up a report. We quickly notified Town of Fairfield officials. We did everything that should have been done. Our loss was huge.

In compliance with the dog statues we made a claim to Sauk County for compensation of damages based on the fees sent by our township to the county. Our claim to Sauk County was denied, even though the county receives dog license fee money annually from the Township. State statutes say these funds can be legally used to reimburse for dog damages. I even appeared before the Sauk County Board, but it made no difference. I was told that Sauk County gives all its dog license funds to the Humane Society and that after expenses for the license program, no money is retained for situations such as ours. But it doesn't have to be that way.

This is so unfair and wrong to the average county citizen, that has been victimized by dogs, causing a loss. I've farmed here for 55 years, and always paid dog tax to our

township government. I thought it was to be used for dog damages, but evidently that isn't the case anymore.

This bill being introduced by Rep. J.A. Hines will not help me, but may help the next person when a tragedy such as ours occurs again.

I feel the solution to the problem is for a certain percentage of the annual collection of dog license funds to be set aside annually for damage claims. If there are no damage claims, those monies could be transferred back into the dog license fund at a certain time each year. This is the only justifiable way of handling reimbursement for dog damages in each county.

As a final note, you may wonder why we have not filed a civil suit in order to receive compensation for our loss. Sauk County has filed 18 counts against the dog's keeper. That case is scheduled to go to court in September. The owner of the dogs is in prison and apparently neither the dogs' owner nor its keeper have the financial resources that make a civil action against them a logical step for us to take. The dogs were declared vicious but were returned to their keeper.

Thank you for hearing my story. Although I know any actions taken will not affect my situation, I ask you to consider a change in the dog statutes to protect others in the future.

Sincerely,


Betty Schultz